

Levin	Nelson	Tester
Manchin	Pryor	Udall (CO)
Markey	Reed	Udall (NM)
McCaskill	Reid	Walsh
Menendez	Sanders	Warner
Merkley	Schatz	Warren
Mikulski	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Stabenow	

NAYS—43

Alexander	Flake	Murkowski
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Scott
Coats	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	
Fischer	Moran	

NOT VOTING—4

Coburn	Landrieu
Cochran	Rockefeller

The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hale, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Sheldon Whitehouse, Mazie Hirono, Amy Klobuchar, Al Franken, Benjamin L. Cardin, Patty Murray, Robert P. Casey, Jr., Jeanne Shaheen, Claire McCaskill, Christopher A. Coons, Mark Begich, Jeff Merkley, Richard J. Durbin, Charles E. Schumer.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Hale nomination.

Ms. CANTWELL. Madam President, I ask unanimous consent all time be yielded back on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David J. Hale, of Kentucky, to be United States District Judge for the Western District of Kentucky, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LAN-

DRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 303 Ex.]

YEAS—65

Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Begich	Heinrich	Portman
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Isakson	Reid
Boxer	Johnson (SD)	Rubio
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Chambliss	Manchin	Tester
Collins	Markey	Udall (CO)
Coons	McCaskill	Udall (NM)
Donnelly	McConnell	Vitter
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Flake	Mikulski	Warren
Franken	Murkowski	Whitehouse
Gillibrand	Murphy	Wyden
Graham	Murray	

NAYS—31

Alexander	Fischer	Moran
Barrasso	Grassley	Risch
Blunt	Hatch	Roberts
Boozman	Heller	Scott
Burr	Hoeven	Sessions
Coats	Inhofe	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kirk	Wicker
Cruz	Lee	
Enzi	McCain	

NOT VOTING—4

Coburn	Landrieu
Cochran	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31.

The motion is agreed to.

NOMINATION OF DAVID J. HALE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David J. Hale, of Kentucky, to be United States District Judge for the Western District of Kentucky.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 2 minutes of debate on the motion to invoke cloture on the Kearney nomination.

Who yields time?

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:  
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Benjamin L. Cardin, Robert P. Casey, Jr., Bill Nelson, Barbara A. Mikulski, Amy Klobuchar, Al Franken, Jack Reed, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Richard Blumenthal, Sherrod Brown, Dianne Feinstein.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 36, as follows:

[Rollcall Vote No. 304 Ex.]

YEAS—60

Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rubio
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Manchin	Tester
Collins	Markey	Toomey
Coons	McCaskill	Udall (CO)
Donnelly	Menendez	Udall (NM)
Durbin	Merkley	Walsh
Feinstein	Mikulski	Warner
Franken	Murkowski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden

NAYS—36

Alexander	Fischer	McCain
Barrasso	Flake	McConnell
Blunt	Grassley	Moran
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Vitter
Enzi	Lee	Wicker

NOT VOTING—4

Coburn	Landrieu
Cochran	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 36.

The motion is agreed to.

**NOMINATION OF MARK A. KEARNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the cloture vote on the Pappert nomination.

Who yields time?

Mr. REID. I yield back the time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Harry Reid, Richard J. Durbin, Patty Murray, Barbara Boxer, Patrick J. Leahy, Sheldon Whitehouse, Debbie Stabenow, Michael F. Bennet, John D. Rockefeller IV, Jon Tester, Jack Reed, Mark R. Warner, Tim Kaine, Benjamin L. Cardin, Charles E. Schumer, Christopher A. Coons, Christopher Murphy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 28, as follows:

[Rollcall Vote No. 305 Ex.]

YEAS—67

Alexander	Baldwin	Bennet
Ayotte	Begich	Blumenthal

Blunt	Heitkamp	Portman
Booker	Hirono	Pryor
Boxer	Isakson	Reed
Brown	Johnson (SD)	Reid
Cantwell	Kaine	Rubio
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Coats	Levin	Shaheen
Collins	Manchin	Tester
Coons	Markey	Toomey
Donnelly	McCain	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Vitter
Flake	Merkeley	Walsh
Franken	Mikulski	Warner
Gillibrand	Murkowski	Warren
Graham	Murphy	Whitehouse
Hagan	Murray	Wyden
Harkin	Nelson	
Heinrich	Paul	

**NAYS—28**

Barrasso	Grassley	Moran
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Scott
Corker	Inhofe	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Wicker
Enzi	Lee	
Fischer	McConnell	

**NOT VOTING—5**

Coburn	Landrieu	Stabenow
Cochran	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 28.

The motion is agreed to.

**VOTE EXPLANATION**

• Ms. STABENOW. Mr. President, I was unable to attend today's cloture vote on the nomination of Gerald Pappert to the U.S. District Court for the Eastern District of Pennsylvania. Had I been present, I would have supported this cloture motion.●

**NOMINATION OF GERALD J. PAPPERT TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

The Senator from Virginia.

**AUTHORIZATION FOR THE USE OF MILITARY FORCE**

Mr. KAINE. Madam President, next Monday will mark 4 months since the President commenced military action in Syria and Iraq against ISIL. As of December 2, Operation Inherent Resolve, which the administration calls a war on ISIL, has involved more than 1,100 coalition airstrikes in Iraq and Syria, the vast majority carried out by American air men and women. The President has authorized currently 1,400 U.S. ground troops who are deployed in Iraq to train and advise regional forces. The President has authorized an additional 1,500 U.S. troops to serve in that train-and-advise capac-

ity. This past Monday, 250 paratroopers from the 82nd Airborne Division at Fort Bragg, NC, were sent to Iraq. The total cost of the operation thus far to U.S. taxpayers is in excess of \$1 billion.

There have been three deaths of Americans serving in Operation Inherent Resolve. On October 1, Marine Cpl Jordan Spears of Memphis, TN, was lost at sea while conducting flight operations over the Persian Gulf. On October 23, Marine LCpl Sean Neal of Riverside, CA, died in Iraq. On December 1, Air Force Capt. William Dubois of Newcastle, CO, died in support of Operation Inherent Resolve.

Senator KING and I visited Al Udeid Air Base in Qatar in October to see the Combined Air Operations Center in action, and I saw many Virginians there working with colleagues from all service branches and many other coalition nations in directing the air strike campaign.

Let's not make any mistake about this—America is at war. The number of air and ground troops deployed is steadily creeping upwards every day. Our troops are dying. And the fiscal cost to American taxpayers is growing every day.

But this is a most unusual war. While all the activities of war are occurring, there is a strange conspiracy of silence about it in the White House and in the Halls of Congress.

The President has not offered any proposed authorization for the war, despite his suggestions that one is needed. Congress has not debated on, taken committee action on, or voted on the ongoing war. The House is contemplating adjourning for the holidays on December 11, without saying anything about an ongoing war. And because neither the President nor Congress has undertaken the necessary public debate over the war, the American public has not had the chance to be fully educated about what is at stake and why it is in our international interest to ask our troops to risk their lives thousands of miles away.

We owe it to our troops serving abroad—troops who are engaged in war even as we think about recessing and leaving Washington on December 11 for the holidays—to do our job and to have a debate and vote about the war that our Constitution demands.

Let me make an earnest request to our President and to my colleagues in Congress.

To the President: I have previously taken the floor to strongly argue that the President needs new legal authority to conduct the war on ISIL.

When the President spoke to the Nation on September 10, he said that he would "welcome" a congressional authorization. And on November 5, he affirmatively asserted that a new congressional authorization was needed and that he would "engage" Congress